APPEAL NO. 032446
FILED OCTOBER 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing consolidating these two dockets was held on August 20, 2003. As to (Docket 1) the hearing officer determined that the date the respondent (claimant) knew or should have known that his carpal tunnel syndrome (CTS) may be related to his employment was (date of injury for Docket 1); that the claimant timely notified his employer of this injury on April 19, 2002; and that the claimant did not sustain a compensable repetitive trauma injury. As to (Docket 2) the hearing officer determined that the compensable injury on (date of injury for Docket 2), includes bilateral CTS. The appellant (carrier) filed a conditional appeal in Docket 1, disputing the determination that the claimant timely reported his injury. The claimant responded. The carrier also filed an appeal in Docket 2, arguing that the determination that the (date of injury for Docket 2), injury includes bilateral CTS is against the great weight of the medical evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The carrier filed an appeal in Docket 1 but specifically stated that the appeal was to be considered "if and only if the claimant files a timely request for review." The claimant did not appeal the hearing officer's Decision and Order. Accordingly, we dismiss carrier's appeal.

The carrier appealed the extent-of-injury determination in Docket 2. The complained-of determination regarding extent of injury involved a fact question for the hearing officer. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Although there is conflicting evidence in this case, we conclude the hearing officer's extent-of-injury determination is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Thomas A. Knapp
Appeals Judge